GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

STARRED QUESTION NO:322
ANSWERED ON:12.12.2000
MISUSE OF ARTICLE 356
PUTTASWAMY GOWDA;RUDRAGOUDA PATIL

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of times article 356 has been used by the Centre to promulgate President`s Rule in the States since Independence;

(b) whether it is a fact that Article 356 has been used by the Certre mostly to dismiss the Governments for political reasons; (

(c) if so, the facts in this regard; and

(d) the safeguards being contemplated against misuse of Article 356?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (I.D. SWAMI)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO REPLY TO PARTS (a) to (d) OF LOK SABHA STARRED QUESTION NO.322 FOR ANSWE DECEMBER 12. 2000 REGARDING MISUSE OF ARTICLE 356

(a) Article 356 has been used on 96 occasions by the Union Government to promulgate President`s Rule in the States since Independence.

(b) & (c) President`s Rule has been imposed on various grounds like political instability , defections, breaking up of the ruling party / combination of parties, government being reduced to a minority , resignation of Chief Ministers, due to reorganization of States etc. In this connection, the Sarkaria Commission has observed that `In the initial years there were not many instances of its use. But, with passing of years, this provision have been invoked with increasing frequency .` The propriety of the whole-sale use of Article 356 has been widely questioned. The Sarkaria Commission has, therefore, recommended that ` Article 356 should be used very sparingly, in extreme cases as a last resort, when all available alternatives fail to prevent or rectify a breakdown of constitutional machinery in the State.`

(d) Article 356 has been the subject matter of discussion in the meetings of the Standing Committee of the Inter-State Council in general and in particular with reference to the recommendation made in Sarkaria Commissions Report. In the sixth meeting of the Standing Committee, the subject was remitted to a Sub-Committee consisting of the Chief Ministers of Uttar Pradesh, Orissa, Andhra Pradesh and Finance Minister of West Bengal under the convenorship of the Union Defence Minister. The matter was also discussed in the fifth meeting of the Inter- State Council held on 22nd January , 1999 in which it was decided that the Sub-Committee under the convenors hip of the Union Defence Minister should continue deliberations to evolve a consensus. The Sub-Committee under the convenorship of the Union Defence Minister has been reconstituted in April, 2000, with the Chief Minsiters of Andhra Pradesh, Madhya Pradesh, Punjab, Tamil Nadu and Finance Minister of West Bengal as members.